

REMARKS

Reconsideration of the objection to claim 4 is respectfully requested.

Reconsideration of the rejection of claim 22 as rejected under 35 U.S.C. 102(b) as being anticipated by Hallidy(5,734,209) is respectfully requested.

Reconsideration of the rejection of claims 1 and 7 , as amended, as rejected under 35 U.S.C. 102 (e) as being anticipated by Nakagishi (6,424,068) is respectfully requested.

Reconsideration of the rejection of claims 1-3, 5, 8-10, and 18 as rejected under 35 U.S.C. 102(b) as being anticipated by Mielke (6,157,100) is respectfully requested.

Reconsideration of the rejection of claims 13 and 14 as rejected under 35 U.S.C. 102(b) as being anticipated by Hajec (Re 36,202) is respectfully requested.

Reconsideration of the rejection of claims 4, 6, 11, 12, and 19 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke in view of Trench (3,149,255), the rejection of claim 15 as rejected under 35 U.S.C. 103(a) as being unpatentable over Hajec in view of Miyaji et al. (5,134,331) the rejection of claim 13 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke (6,157,100) in view of Nanba et al. (5,909,066) and the rejection of claims 15-17 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke in view of Nanba et al, and further in view of Trench (3,149,255) is respectfully requested.

Claim 1 has been amend to more clearly define the invention.

Claim 4 has been amended to delete "cm" on line 3 and "can" has been substituted therefore. This corrects the basis for the objection to claim 4.

Claim 13 has been amended to be dependant on claim 1.

Referring now to the rejection of claim 22 as being anticipated by Hallidy, claim 22 requires, among other things, for “providing a sleeve having a magnetic permeability greater than 2.0 “ The Hallidy reference does show a sleeve in Figure 2 as assert by the examiner¹.

In accordance with “Merriam-Webster on line Dictionary” -- <http://www.m-w.com/cgi-bin/dictionary> -- sleeve is defined as follows:

1 a : a part of a garment covering an arm b : SLEEVELET

2 a : a tubular part (as a hollow axle or a bushing) designed to fit over another part b : an open-ended flat or tubular packaging or cover, *especially* : JACKET 3c(2)

Definition 2 a is the only one that is pertinent to the context of claim 22. It should be noted that the sleeve is defined as being over not under or inside an other part. The reference the examiner makes is to a part he refers to as a sleeve that is inside not over the stack of magnets. Thus it can not properly be referred to as a sleeve and the reference can not anticipate claim 22. It is quite clear that the structure of claim 22 is not obvious in light of the reference.

Referring now to the rejection of claims 1 and 7 as being anticipated by Nakagishi; these claims now each require:

“a second bearing surface layer in the form of a sleeve.”

It is quite clear that the Nakagishi reference in no way has anything resembling a sleeve, let alone a bearing surface in the form of a sleeve. Therefore the Nakagishi reference does not anticipate claims 1 or 7. Neither claim 1 or 7 are obvious in light of the Nakagishi reference since the structure shown in Nakagishi in no way resembles the structure as now defined in claims 1 or 7. There is no sleeve in Nakagishi, there is nothing resembling a sleeve and there is no place to put a sleeve in Nakagishi.

¹ The reference does show a sleeve in Figure 36, but not in association with any of the other limitations of claim 22.

Referring now to the rejection of claims 1 -3, 5, 8-10 and 18 as being anticipated by Mielke; these claims each require a first bearing surface layer. The examiner asserts that the surface of element 19 is the first bearing surface layer. The specification of Mielke, on the other hand says that element 19 is a coil and that it provides 17. Certainly a gap does not suggest contact with the adjacent surface which is required to create a bearing surface. Thus, the rejection is based on a misreading of the reference and should be withdrawn.

Referring now to the rejection of amended claims 13 and 14 as rejected under 35 U.S.C. 102(b) as being anticipated by Hajec (Re 36,202) is respectfully requested. Claim 13 and 14 are now dependant from claim 1 and are therefore patentable over Hajec for the same reasons as claim 1.

Reconsideration of the rejection of claims 4, 6, 11, 12, and 19 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke in view of Trench (3,149,255), the rejection of claim 15 as rejected under 35 U.S.C. 103(a) as being unpatentable over Hajec in view of Miyaji et al. (5,134,331) the rejection of claim 13 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke (6,157,100) in view of Nanba et al. (5,909,066) and the rejection of claims 15-17 as rejected under 35 U.S.C. 103(a) as being unpatentable over Mielke in view of Nanba et al, and further in view of Trench (3,149,255) is respectfully requested.

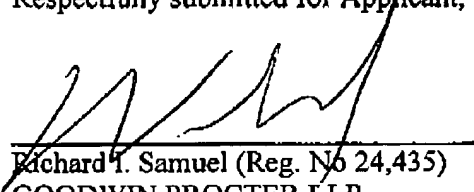
Claims 4, 6, 13, and 15 - 17 are directly or indirectly dependant on claim 1 and are patentable for the same reasons. Claims 11 and 12 are directly or indirectly dependant from claim 8 and are patentable for the same reasons. Likewise claim 19 is dependant on claim 18 and is patentable for the same reasons.

CONCLUSION

In view of the foregoing response, it is respectfully submitted that the application is in condition for allowance and accordingly, allowance of the application is respectfully requested.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to Deposit Account 05-0923. Applicant claims small entity status. See 37 C.F.R. 1.27.

Respectfully submitted for Applicant,



Richard T. Samuel (Reg. No 24,435)
GOODWIN PROCTER LLP
599 Lexington Avenue
New York, NY 10022
212.813.8800